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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,107	05/24/2006	Kazuyuki Sakoda	273223US6PCT	9979

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EXAMINER	
NGUYEN, TUAN HOANG	
ART UNIT	PAPER NUMBER
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/544,107	SAKODA, KAZUYUKI	
	Examiner	Art Unit	
	Tuan H. Nguyen	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,10-22 and 25-31* is/are rejected.

7)☒ Claim(s) *8,9,23 and 24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 08/02/2005 has been considered by Examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 5-6, 10-18, 20-21, and 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugaya et al. (US PUB. 2004/0043780 hereinafter, "Sugaya").

Consider claim 1, Sugaya teaches a communication method of performing a wireless communication operation in a network including a plurality of communication stations having no relation of a control station and a controlled station, comprising the steps of: transmitting from a communication station a beacon in which information with respect to the network is written (see fig. 2 page 5 [0067] and [0068]); and setting by the communication station a state in which a reception operation is performed during a period of time before and after the transmission of said beacon signal (page 5 [0073] and [0074]).

Consider claim 15, Sugaya further teaches a reception state thereof or a status with respect to a reception state is informed by a beacon signal (page 5 [0073]).

Consider claim 16, Sugaya teaches a communication apparatus which operates in a network built under a wireless communication environment of an autonomous distributed type, comprising: communication means for transmitting and receiving

wireless data (page 4 [0061]); beacon generation means for generating a beacon signal in which information with respect to the network is written to be transmitted by said communication means (page 5 [0067] and [0068]); and control means for setting a state in which a reception operation is performed during periods of time before and after the transmission of the beacon signal generated by said beacon generation means (page 5 [0073] and [0074]).

Consider claims 2 and 17, Sugaya further teaches beacon signal is a signal periodically transmitted from a communication station in an active state in the network (page 5 [0067]).

Consider claims 3 and 18, Sugaya further teaches each communication station changes over a plurality of transmission active levels or a plurality of reception active levels in accordance with presence or absence of transmission data or a request for active level change from a communication partner (page 7 [0116]).

Consider claims 5 and 20, Sugaya further teaches setting by said communication station a state in which a reception operation is performed during a period of time in which a beacon signal is transmitted by a partner station having a possibility of generating data to be transmitted and during a neighboring period of time thereof (page 5 [0073] and [0074]).

Consider claims 6 and 21, Sugaya further teaches exchanging by said communication station messages in order to transmit data with a communication station to which data should be transmitted when the data to be transmitted is generated (page 5 [0071]); and setting by said communication station a state in which a reception operation is performed during a period of time in which said communication partner station transmits a beacon signal and during a neighboring period of time thereof (page 5 [0073]).

Consider claims 10 and 25, Sugaya further teaches information with respect to the network written in the beacon signal is communication state information of a communication station capable of performing communication within said network, and the communication station retains said communication state information (page 5 [0067] and [0068]).

Consider claims 11 and 26, Sugaya further teaches retained communication state information is changed in accordance with presence or absence of transmission data or received communication state change request information (page 7 [0116]).

Consider claims 12 and 27, Sugaya further teaches the steps of: informing from a communication station transmitting broadcast information to each communication station recognized that transmission and reception is directly performed therefrom, that the communication station is in a state in which a reception operation is performed

during a period of time in which a communication partner station transmits a beacon signal and also during a neighboring period of time thereof (page 5 [0073] and [0074]); and transmitting said broadcast information (page 5 [0067]).

Consider claims 13 and 28, Sugaya further teaches broadcast information is transmitted by a beacon signal or a packet which follows the beacon signal (page 5 [0067]).

Consider claims 14 and 29, Sugaya further teaches communication state information on a communication station capable of performing communication in said network is retained as a list and the retained status is changed based on a transmitted change notice (page 6 [0086]).

Consider claim 30, Sugaya further teaches control means adds a reception state thereof or a status with respect to the reception state to the beacon signal generated by said beacon generation means to be transmitted from said communication means (page 5 [0073]).

Consider claim 31, Sugaya teaches a computer program in which processing of performing access control not to make communication timing of a packet collide with that of another station by detecting a signal transmitted from another station in a network including a plurality of communication stations is written in a computer readable

form so that the program is executed on a computer system, comprising the steps of: transmitting a beacon in which information with respect to the network is written (see fig. 2 page 5 [0067] and [0068]); and setting a state in which a reception operation is performed during periods of time before and after the transmission of said beacon signal (page 5 [0073] and [0074]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4, 7, 19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugaya et al. (US PUB. 2004/0043780 hereinafter, "Sugaya") in view of Tsutsumi et al. (U.S PUB. 2004/0023641 hereinafter, "Tsutsumi").

Consider claims 4 and 19, Sugaya teaches a communication method of performing a wireless communication operation in a network including a plurality of communication stations having no relation of a control station and a controlled station.

Sugaya does not explicitly show that control means further sets a state in which a reception operation is performed by said communication means over a beacon signal transmission interval in predetermined cycles.

In the same field of endeavor, Tsutsumi teaches control means further sets a state in which a reception operation is performed by said communication means over a beacon signal transmission interval in predetermined cycles (page 5 [0070] and [0071]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, control means further sets a state in which a reception operation is performed by said communication means over a beacon signal transmission interval in predetermined cycles, as taught by Tsutsumi, in order to control incoming data to be received by an appropriate communication destination by using a main device to monitor a traffic state of a wireless LAN and a user login state.

Consider claims 7 and 22, Sugaya further teaches generates at least one transmission trigger time between beacon signal transmission intervals, and starts a procedure of transmission or reception in said communication means based on said transmission trigger time (page 5 [0070] and [0071])

Allowable Subject Matter

7. Claims 8-9 and 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T.N

Tuan Nguyen
Examiner
Art Unit 2618

11/27/06

QUOCHIEN B. VUONG
PRIMARY EXAMINER